	Application No.	Applicant(s)
Notice of Allowability	09/334,415	BASSO ET AL.
	Examiner	**Art Unit**	
	Melanie Jagannathan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *1/30/2006*.

2. ☒ The allowed claim(s) is/are *5,7-24,26 renumbered as 1-20 respectively*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None   of the:

       1. ☒ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *4/14/2006* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

- Examiner has considered Amendment after Non-Final mailed 1/30/2006.

- Claims 1, 3-5, 7-25 are pending.

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the

changes and/or additions be unacceptable to applicant, an amendment may be

filed as provided by 37 CFR 1.312. To ensure consideration of such an

amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone

interview with James Blanchette on April 14, 2006

The application has been amended as follows:

1. (CANCELLED)

2. (CANCELLED)

3. (CANCELLED)

1   4. (CANCELLED)

2   5. (CURRENTLY AMENDED) Method for triggering the control plane in an

3   asynchronous connection-oriented transmission network, comprising the

4   following steps initiated at any time on request by a-user-interfacing-a source

5   node:

6	 sending from the Control ATM Test Application (CATMTA) ~~means~~ of said

7	source node a call setup message for testing the connectivity of a network

8	connection to the Deamon ATM Test Application (DATMTA) ~~means~~ of a

9	destination node, and

10	 sending back an acknowledgement message from said DATMTA ~~means~~

11	of said destination node to said CATMTA ~~means~~ of said source node when the

12	connection has been successfully established between said source node and

13	said destination node; and

14	 sending, ~~at any time,~~ a verification data stream from said CATMTA ~~means~~

15	in said source node to said destination node after receiving said

16	acknowledgement message, and sending back a response data stream from said

17	DATMTA ~~means~~ in said destination node to said source node, <u>said response</u>

18	<u>data stream including a count by the destination node of an amount of data in the</u>

19	<u>verification data stream received at the destination node, said response data</u>

20	<u>stream further including a measured time span over which the destination node</u>

21	<u>received the verification data stream,</u> whereby said verification and response

22	data streams are used to check the characteristics of the connection previously

23	established between said source node and said destination node<u>, including</u>

24	<u>determining, by the source node, a bandwidth of the connection using the</u>

25	<u>amount of data and the time span from the response data stream.</u> .

1	6. (CANCELLED)

2	7. (PREVIOUSLY PRESENTED) Method according to claim 5, wherein said

3	verification and response data streams are used to check the end-to-end transit

4	delay of the connection previously established between said source node and

5	said destination node.

6	8. (CURRENTLY AMENDED) Method according to claim 5, wherein said

7	verification and response data streams are used to check whether ~~the~~ <u>a desired</u>

8	bandwidth requested by ~~the user interfacing~~ said source node has been actually

9   allocated for a constant bit rate over the connection previously established

10   between said source node and said destination node.

11   9. (CURRENTLY AMENDED) A method for operating a computer, comprising:

12   sending a call setup message over a computer network to a destination

13   computer, the call setup message to initiate a roundtrip connection through the

14   computer network;

15   receiving an acknowledgement message from the destination computer

16   indicating that the call setup message was received, the acknowledgement

17   message indicating that the roundtrip a connection through the computer network

18   is established between the computer and the destination computer;

19   sending, at any time, a verification data stream to the destination

20   computer in response to receiving the acknowledgement message, the

21   verification data stream sent over the connection;

22   receiving a response data stream from the destination computer, the

23   response data stream sent over the connection, the response data stream

24   including a count by the destination computer of an amount of data in the

25   verification data stream received at the destination computer, the response data

26   stream further including a measured time span over which the destination

27   computer received the verification data stream; and

28   checking a one or more characteristics of the connection in response to

29   the verification data stream and the received response data stream, the checking

30   including determining a bandwidth of the connection using the amount of data

31   and the time span from the response data stream.

32   10. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:

33   establishing the connection in an Asynchronous Transfer Mode (ATM)

34   computer network.

35   11. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:

36   establishing the connection in a Frame Relay computer network.

37   12. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:

38   checking an end-to-end transit delay of the connection using said
39   verification and response data streams.

40   13. (CURRENTLY AMENDED) The method as in claim 9, further comprising:

41   checking whether a desired bandwidth requested by a user interfacing
42   with said computer has been actually allocated for a constant bit rate over the
43   connection by comparing the desired bandwidth and the bandwidth determined
44   from the amount of data and the time span. using said verification and response
45   data streams.

46   14. (CURRENTLY AMENDED) A computer, comprising:

47   means for sending a call setup message over a computer network to a
48   destination computer, the call setup message to initiate a roundtrip connection
49   through the computer network;

50   means for receiving an acknowledgement message from the destination
51   computer indicating that the call setup message was received, the
52   acknowledgement message indicating that the roundtrip a connection through
53   the computer network is established between the computer and the destination
54   computer;

55   means for sending, at any time, a verification data stream to the
56   destination computer in response to receiving the acknowledgement message,
57   the verification data stream sent over the connection;

58   means for receiving a response data stream from the destination
59   computer, the response data stream sent over the connection, the response data
60   stream including a count by the destination computer of an amount of data in the

61 verification data stream received at the destination computer, the response data

62 stream further including a measured time span over which the destination

63 computer received the verification data stream; and

64 means for checking a one or more characteristics of the connection in

65 response to the verification data stream and the received response data stream,

66 the means for checking including means for determining a bandwidth of the

67 connection using the amount of data and the time span from the response

68 stream .

69 15. (PREVIOUSLY PRESENTED) The computer as in claim 14, further

70 comprising:

71 means for establishing the connection in an Asynchronous Transfer Mode

72 (ATM) computer network.

73 16. (PREVIOUSLY PRESENTED) The computer as in claim 14, further

74 comprising:

75 means for establishing the connection in a Frame Relay computer

76 network.

77 17. (PREVIOUSLY PRESENTED) The computer as in claim 14, further

78 comprising:

79 means for checking an end-to-end transit delay of the connection using

80 said verification and response data streams.

81 18. (PREVIOUSLY PRESENTED) The computer as in claim 14, further

82 comprising:

83 means for checking whether a desired bandwidth requested by a user

84 interfacing with said computer has been actually allocated for a constant bit rate

85 over the connection by comparison of the desired bandwidth and the bandwidth

86 determined from the amount of data and the time span.using said verification and

87 response data streams.

88 19. (CURRENTLY AMENDED) A computer, comprising:

89 a transmitter to send a call setup message over a computer network to a

90 destination computer, the call setup message to initiate a roundtrip connection

91 through the computer network;

92 a receiver to receive an acknowledgement message from the destination

93 computer indicating that the call setup message was received, the

94 acknowledgement message indicating that the roundtrip a connection through

95 the computer network is established between the computer and the destination

96 computer;

97 a transmitter to send, at any time, a verification data stream to the

98 destination computer in response to receiving the acknowledgement message,

99 the verification data stream sent over the connection;

100 a receiver to receive a response data stream from the destination

101 computer, the response data stream sent over the connection, the response data

102 stream including a count by the destination computer of an amount of data in the

103 verification data stream received at the destination computer, the response data

104 stream further including a measured time span over which the destination

105 computer received the verification data stream; and

106 a processor to check a one or more characteristics of the connection in

107 response to the verification data stream and the received response data stream,

108 the processor further adapted to determine a bandwidth of the connection using

109 the amount of data and the time span from the response data stream.

110 20. (PREVIOUSLY PRESENTED) The computer as in claim 19, further

111 comprising:

112   the computer network is an Asynchronous Transfer Mode (ATM) computer
113   network.

114   21. (PREVIOUSLY PRESENTED) The computer as in claim 19, further
115   comprising:

116   the computer network is a Frame Relay computer network.

117   22. (PREVIOUSLY PRESENTED) The computer as in claim 19, further
118   comprising:

119   means for checking an end-to-end transit delay of the connection using
120   said verification and response data streams.

121   23. (CURRENTLY AMENDED) The computer as in claim 19, further comprising:

122   means for checking whether a bandwidth requested by a user interfacing
123   with said computer has been actually allocated for a constant bit rate over the
124   connection by comparison of the desired bandwidth and the bandwidth
125   determined from the amount of data and the time span.using said verification and
126   response data streams.

127   24. (PREVIOUSLY PRESENTED) A computer readable media containing
128   executable program, the executable program instructions comprising program
129   instructions adapted for :

130   sending a call setup message over a computer network to a destination
131   computer;

132   receiving an acknowledgement message from the destination computer
133   indicating that the call setup message was received, the acknowledgement
134   message indicating that a connection through the computer network is
135   established between a computer and the destination computer;

136   sending, at any time, a verification data stream to the destination

137 computer in response to receiving the acknowledgement message, the

138 verification data stream sent over the connection;

139   receiving a response data stream from the destination computer, the

140 response data stream sent over the connection, the response data stream

141 including a count by the destination computer of an amount of data in the

142 verification data stream received at the destination computer, the response data

143 stream further including a measured time span over which the destination

144 computer received the verification data stream; and

145   checking one or more characteristics of the connection in response to the

146 verification data stream and the received response data stream, the checking

147 including determining a bandwidth of the connection using the amount of data

148 and the time span from the response data stream.

~~said computer readable media having instructions written thereon for execution~~
~~on a processor for the practice of the method of claim 5 or claim 9.~~

25. (CANCELLED)

26. (PREVIOUSLY PRESENTED) A method for operating a computer, comprising:

sending a call setup message over a computer network to a destination
computer, the call setup message to initiate a roundtrip connection through the
computer network;

receiving an acknowledgement message from the destination computer
indicating that the call setup message was received, the acknowledgement message
indicating that the roundtrip connection through the computer network is established
between the computer and the destination computer;

sending, at any time, a verification data stream to the destination computer in
response to receiving the acknowledgement message, the verification data stream sent
over the connection;

counting data in the verification data stream and measuring the time during which
the data are received, where counted data and measured time are part of a response
data stream;

receiving the response data stream from the destination computer, the response
data stream sent over the connection; and

checking the counted data and the measured time to determine a bandwidth of the

connection.

Allowable Subject Matter

2.   Claims 5, 7-24, 26 are allowed.

The following is an examiner's statement of reasons for allowance: prior art of record does not disclose, in single or in combination, in response to verification data stream from source node, sending back a response data stream including a count by the destination node of an amount of data in the verification data stream received at destination node, and further including a measured time span over which the destination node received the verification data stream and determining, by source node, a bandwidth of connection using amount of data and time span from response data stream in combination of other limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MJ
4/17/06

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4/17/06